

Syracuse University

2016-2017

**Sexual and Relationship
Violence Resource Guide for
Syracuse University Students**

Available Online: TitleXResources.syr.edu

Dear Students:

Syracuse University strives towards a community free of harassment, discrimination, and sexual violence. Our Code of Ethical Conduct provides that all of us will respect the rights and dignity of all people. It further provides that all of us support a respectful environment through our own actions, encourage respectful behavior in others, and speak out against hatred and bias. This guide will assist you in complying with these and other University expectations and will provide you with information and resources if you have a concern about any form of sexual or relationship violence.

Thank you for your review of this guide. Keep it. Use it. We are here for you.



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What is Title IX?

Title IX of the Education Amendments of 1972 protects people from discrimination based on gender in education programs and activities that receive federal financial assistance. In 2001 and again in 2011, the Office for Civil Rights stated that “the sexual harassment of students, including sexual violence, interferes with students’ right to receive an education free from discrimination and in the case of sexual violence, is a crime.” (DCL 2011)

Title IX requires that institutions of higher education take immediate and effective steps to end sexual harassment and sexual violence on campus.

This guide is one way that Syracuse University hopes to educate students on their rights under Title IX, resources to assist students on how to get support after an incident has occurred, where students can go to file a report, what interim actions can be taken to support students, information about the investigation and conduct process, and information on how bystanders can get involved in preventing incidents before they occur.

Advocacy and Support 24/7

Advocacy and supportive services are available for all Syracuse University students. Students are encouraged to speak with a member of the **Sexual and Relationship Violence Response Team (SRVR)** at 315.443.4715, to discuss options and learn what supports are available.

If you have been impacted by sexual assault, relationship violence, harassment or stalking, the Sexual and Relationship Violence Response Team is available to assist you 24/7. The Sexual and Relationship Violence Response Team offers **privileged and confidential** crisis counseling, referrals, advocacy, safety planning and ongoing assistance to students. Housed in the Counseling Center at 200 Walnut Avenue, members of the Sexual and Relationship Violence Response Team are available to discuss medical and reporting options and to accompany students to file a complaint. Should a student impacted by sexual assault, relationship violence, sexual harassment or stalking choose to file a formal complaint with the University, the Sexual and Relationship Violence Response Team will provide support and advocacy to the reporting student throughout the entire process. The decision to seek medical care or report an incident lies with the person who has experienced sexual assault, harassment, and stalking or relationship violence.

Accessing immediate support

- **During regular University business hours:** Students can walk in and speak with a member of the Sexual and Relationship Violence Team at 200 Walnut Place. Students can also call the Counseling Center at 315.443.4715 and ask to speak with a member of the Sexual and Relationship Violence Response Team.

- **After business hours or on weekends:** Students can speak with a member of the Sexual and Relationship Violence Response Team by calling the Counseling Center at 315.443.4715, press “0” when prompted by the voicemail, and then ask to speak with the on-call counselor.
- **If you have an immediate safety concern or have a serious injury:** Contact the Department of Public Safety 315.443.2224 or 711 from campus phones, #SU from cellular phones, or the police (911), 005 Sims Hall. You are under no obligation to file a report with the police. In some cases, a Syracuse Police Department officer might ask to speak with you about the crime. The Sexual and Relationship Violence Response Team can assist you with questions and concerns you might have about this.

Privacy and Confidentiality

Syracuse University is committed to providing safe and supportive spaces for students who have been impacted by sexual and relationship violence. The University simultaneously strives to maintain a safe learning and living environment for all students in a manner that is consistent with state and federal laws. It is important for students to be well informed regarding the confidential resources available to them in the event that they have experienced sexual or relationship violence.

The Sexual and Relationship Violence Response Team, Counseling Center Therapists, University Health Services Providers, and the Chaplains at Hendricks Chapel are all considered to be privileged and confidential resources. These individuals are neither required nor permitted to provide any identifying information regarding an incident of sexual assault or relationship violence to any outside party without the consent of the student involved in the incident. More specifically, these individuals will not provide any identifying information about a reported incident of sexual assault or relationship violence to the Syracuse University Title IX Coordinator or any law enforcement agency without a survivor’s permission.

- The Sexual and Relationship Violence Response Team at the Counseling Center 315.443.4715, 200 Walnut Place, provides privileged and confidential support, advocacy and counseling for survivors of sexual and relationship violence and can be accessed 24 hours a day, seven days a week.
- Syracuse University Health Services, 315.443.9005, 111 Waverly Avenue
- Hendricks Chapel, 315.443.2901.

All employees of Syracuse University other than those mentioned above are considered “responsible employees.” As such, they are responsible for the culture of the University and compliance with University policies. Thus, they are required to report any incident of sexual harassment, sex discrimination, sexual or relationship

violence, including the identities of both the survivor and alleged perpetrator, to the Title IX Coordinator. Examples of “responsible employees” include staff members who work in Student Affairs or Academic Affairs (e.g., Office of Residence Life staff, Academic Deans, and Athletic Department staff).

ADDITIONAL CAMPUS SUPPORT

The Office of Student Assistance (315.443.4357) serves as a central support hub to help students and their families manage crises, life traumas, and other concerns or barriers that impede success. The office works to address the needs of students who are impacted by sexual assault, relationship violence and other forms of gender related bias through a variety of interventions, referrals, and advocacy and follow-up services. Student Assistance is available to provide support to all students involved in University processes, including the University Student Conduct Process, and with all Title IX related concerns as well as providing interim relief explanations and follow up.

ADDITIONAL RESOURCES, OFF-CAMPUS

- **Vera House (315.468.3260—24 hour crisis and support line)** is an off-campus agency providing confidential and privileged resources to those affected by domestic and sexual violence.
- **New York State Domestic and Sexual Violence Hotline 1.800.942.6906**
- **New York State Division of Human Rights** (<http://www.dhr.ny.gov/>)
- **U.S. Equal Employment Opportunity Commission** (<http://www.eeoc.gov/>)
- **U.S. Department of Education, Office for Civil Rights** (<http://www2.ed.gov/about/offices/list/ocr/know.html>)
- **Syracuse Police Department Abused Persons Unit (315.435.3016)**

Reporting Options

Should a student impacted by sexual assault, relationship violence, sexual harassment or stalking choose to disclose such behavior, as the reporter, you have the right to make a report to University police or campus security, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution.

Members of the Sexual and Relationship Violence Response Team, 315.443.4715, provide confidentiality and are available to discuss reporting options with students and to accompany them throughout any processes should they choose to report.

If a student chooses to file a complaint, the following resources are available for reporting:

- Title IX Coordinator, 005 Steele Hall, 315.443.0211, titleix@syr.edu
- Office of Human Resources, Skytop Office Building, 315.443.5462 (If the accused is an employee of the University)
- Emergency access is available for reporting at:
 - >> Department of Public Safety, 005 Sims Hall, 315.443.2224
 - >> Syracuse Police Department, 511 South State St., 315.435.3016 (Abused Persons Unit)
 - >> New York State Police, 24-hour dedicated hotline, 1.844.845.7269
- In addition, **anonymous reporting** is available through “TIPS” at 315.443.TIPS (8477) or online at: <http://publicsafety.syr.edu/>.

Students have the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a formal complaint through the University Conduct process, or to pursue both processes consecutively or concurrently and to pursue neither option. In cases involved alleged criminal conduct, the **Department of Public Safety will assist a victim/complainant in making a criminal complaint if desired.** Any criminal complaint will be forwarded to the appropriate law enforcement agency.

Amnesty

The health and safety of every student at Syracuse University is of utmost importance. Syracuse University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including, but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences of their own conduct. Syracuse University strongly encourages students to report domestic violence, dating violence, stalking or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Syracuse University’s officials or law enforcement will not be subject to Syracuse University’s Code of Student Conduct for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Role of the Title IX Coordinator

The Title IX Coordinator has primary responsibility for coordinating the efforts of Syracuse University to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator oversees the University’s response to reports and complaints that involve possible sex discrimination, including reports of sexual

violence, gender-based harassment, relationship and domestic violence, and stalking. The Title IX Coordinator ensures a fair, equitable and prompt process for all involved; monitors outcomes; identifies and addresses any patterns; and assesses effects on the campus climate so that the University can address issues that may impact the community. All reports of violations the Syracuse University Policy on Sexual Misconduct, Sexual Harassment, Relationship Violence and Stalking are directed to the Title IX Coordinator. The Title IX Coordinator will oversee investigations involving sex discrimination.

Upon learning of a report or complaint of sex discrimination, the Title IX Coordinator takes steps to ensure the complainant’s equal access to University programs and activities. Such steps include taking interim measures before the final outcome of any investigation, providing remedial measures after the final outcome of investigations, and providing information on all available resources.

Members of the Sexual and Relationship Violence Response Team and the Office of Student Assistance are available to accompany students to meetings with the Title IX Coordinator.

Interim Relief

Interim relief such as no-contact orders, changes in living, working and/or academic situations, protective escort services, and referrals to counseling may be provided as requested. **Interim relief can be sought without regard to whether the victim chooses to file a complaint with the University or with local law enforcement.** Additional relief such as protective orders may be available through the criminal and/or family court process. Contact the Sexual and Relationship Violence Response Team (24/7) at 315.443.4715 or the Title IX Coordinator at 315.443.0211 to discuss these options.

When the alleged perpetrator is not a student, but is a member of the University’s community and presents a continuing threat to the health and safety of the community, the University may subject the accused to interim measures in accordance with applicable collective bargaining agreements, the employee handbook, and rules and policies of the University.

University Processes for Resolution of Complaints

Members of the Sexual and Relationship Violence Response Team, the Office of Student Assistance, and the Title IX Coordinator are available to discuss all University options for resolving complaints. When a student has decided to officially report an incident of sex discrimination to the University, the Title IX Coordinator will discuss informal and formal options for resolving the complaint. The Title IX Coordinator will honor the request of affected students whenever possible. However, if students request that their name not be revealed or asks that the University not investigate or seek action against the alleged perpetrator, the

Title IX Coordinator will inform them that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator.

If the affected student still requests their name not be disclosed to the alleged perpetrator or that the University not investigate or seek action against the alleged perpetrator, the Title IX Coordinator will need to determine whether or not the University can honor such a request while still providing a safe and nondiscriminatory environment for all students, including the student who reported sex discrimination. The Title IX Coordinator may determine the need to move forward as the complainant in a case where the targeted student does not wish to act as the complainant.

If the accused is an employee of the University, the incident may be reported to the University's Office of Human Resources.

The affected student may withdraw a complaint or involvement from the University's process at any time.

INFORMAL RESOLUTION

Informal resolution is the process through which the targeted individual expresses a desire for resolution other than through the Office of Student Rights and Responsibilities or through criminal processes. For example, the affected person might want some interim relief such as a no contact order, class or work schedule adjustment, or an educational conversation with the alleged offender. Once a report is filed with the University, options for informal resolution will be reviewed with the Title IX Coordinator, who coordinates the informal resolution process. The Sexual and Relationship Violence Response Team members are available to advocate for interim relief on behalf of students.

FORMAL RESOLUTION

Formal resolution is the process through which a formal complaint is filed with the Syracuse University Title IX Coordinator for the purpose of investigation and formal resolution through the Office of Student Rights and Responsibilities. In these cases, the matter is evaluated using a preponderance of evidence standard (more likely than not) as to whether the alleged offender violated the Code of Student Conduct.

Overview of the Conduct Process for Cases Involving Sexual Assault, Stalking, Gender-Related Harassment, and Domestic/Relationship Violence

1. To file a formal complaint against a student alleging any prohibited behaviors included in the Syracuse University Policy on Sexual Misconduct, Gender Related Harassment, Stalking or Relationship Violence an individual (complainant) should contact the University's Title IX Coordinator, 315.443.0211. If a victim would like to file a criminal complaint they should contact the Department of Public Safety, 315.443.2224. A victim can withdraw their participation in the formal process at any time.

If a victim files a complaint that proceeds to a formal conduct process, that person is the "complainant". The student against whom the complaint is filed is the "respondent." In cases in which the Title IX Coordinator has filed a complaint without the cooperation of the victim(s) in a specific incident the Title IX Coordinator serves as the "complainant." If a victim is also the complainant, the process as outlined below applies to that person. If the Title IX Coordinator serves as the complainant, then the process as outlined below applies to the Title IX Coordinator who will communicate in writing to the victim regarding the date of the University Conduct Board hearing as well the outcome of the University Conduct Board hearing and the University Appeals Board hearing. If a complaint is filed by the Title IX Coordinator without the participation of a victim, but the victim later decides to participate in the formal process, the victim will need to notify the Office of Student Rights and Responsibilities in writing of their decision to participate in the formal resolution process prior to the formal hearing date. The victim may submit a written victim impact statement for consideration by the University Conduct Board without serving as the complainant.

2. If a complainant also chooses to file a criminal report and pursue criminal charges against the respondent, the University will not delay its investigation unless requested to do so by the appropriate legal authorities and, if a delay is requested, the delay will only be temporary.
3. Interim relief such as no-contact orders, moving the respondent, changes in living and/or working and/or academic situations, protective escort services, and referrals to counseling may be provided as requested and when available. Such relief can be sought without regard to whether the complainant chooses to report the matter to DPS or to local law enforcement. Additional relief such as protective orders may be available through the criminal and/or family court process.

4. Upon the receipt of a complaint, the Title IX Coordinator will designate an investigator who may conduct an investigation. A hold will be placed on the respondent's academic records until a final resolution of the complaint. The investigator will have the authority to meet with both the complainant, respondent, and witnesses to the alleged incident to gather information regarding the facts and circumstances of the incident.

The complainant, respondent and witnesses involved in the case may be advised by an advisor of their choice. For a University-trained procedural advisor, parties may contact the Office of Student Assistance at 315.443.4357. Procedural advisors, including attorneys where applicable, have no standing in the University investigation or in the University Student Conduct System proceedings, except to provide advice to their respective parties in a quiet non-disruptive manner. Advisors and attorneys when applicable, do not represent or speak for their respective parties. Any advisor, including attorneys, who fails to conform their behavior to these requirements will be removed from the proceedings and barred from acting as an advisor in future University Student Conduct System proceedings. In such cases, the Board will determine whether to proceed with the formal resolution process without the presence of an advisor or to reschedule the proceedings at which time the case will be forwarded to the Director of Student Rights and Responsibilities for further processing.

5. Once the investigation report is complete, both the respondent and the complainant will be given the opportunity to review the report and provide a written response within three (3) business days both of which will be provided to the Office of Student Rights and Responsibilities and the other party by the Title IX investigator.

Files will be redacted in accordance with the Family Educational Rights and Privacy Act of 1974, as amended. Complainants and respondents will not be permitted to create copies of the files.

6. Both the complainant and respondent will be invited to participate in an individual pre-hearing meeting in the Office of Student Rights and Responsibilities to review the hearing process, but neither the complainant nor the respondent are required to attend. Both the complainant and the respondent are permitted to have a procedural advisor of their choice attend the meeting. The procedural advisor will need to conform his/her behavior to the standards outline in section 10.4 of the Student Conduct System Handbook.

7. The investigator will provide the alleged Code of Student Conduct violations, the written report, and the written responses to a three-member University Conduct Board comprised of faculty and staff members, as appointed by the Director of the Office of Student Rights and Responsibilities or a designee. The report will describe the relevant facts and circumstances learned during the course of the investigation and will contain all of the interviews conducted by the investigator. The report will not include any conclusions regarding responsibility for violations of the Code of Student Conduct.

The University Conduct Board is comprised of three (3) members who are full-time faculty or staff from Syracuse University. Members of the University Conduct Board are appointed by the Senior Vice President and Dean of Student Affairs from a pool of at least ten (10) members recommended by the University community. The University Conduct Board is advised by the Director of Student Rights and Responsibilities, by the Associate Director of Student Rights and Responsibilities or an attorney appointed by the Director of Student Rights and Responsibilities. Chairpersons, appointed by the Director of the Office of Student Rights and Responsibilities, or a designee, will preside at each University Conduct Board hearing.

8. At its sole discretion, the University Conduct Board may rely upon the investigator's report for its understanding of the relevant facts, or it may conduct additional witness interviews and/or gather other additional information. The University Conduct Board may also interview the investigator. The complainant and respondent will be invited to speak to the University Conduct Board to present any additional information that they believe is relevant to the case. Any interviews conducted by the University Conduct Board will be recorded.
9. Based on the information contained in the final report, any written statements, and witness information provided to the Board, the Board will determine whether it is more likely than not that the respondent violated the Code of Student Conduct using the preponderance of the evidence standard. Rules of evidence and criminal standards of proof do not apply. University Conduct Board decisions are made in private and by a majority vote of the Board members.

Once a finding of responsibility is made and prior to deliberations regarding sanctions, the Board will consider any other relevant information including impact statements and prior conduct history.

The hearing will be considered complete when the Board has agreed upon the final written version of the Board's decision. The University Conduct Board may impose sanctions up to and including expulsion from the University and may design sanctions that are educational and/or remedial specific to the facts of a given case. Standard sanctions for alcohol, safety, harassment and violence

related behaviors are listed in section 11 of the University Conduct System Handbook. The University Conduct Board will render a decision on all Code of Student Conduct violations listed in the complaint.

Decisions of the University Conduct Board are confirmed by the Director of Student Rights and Responsibilities or a designee.

University Conduct System formal resolution proceedings are confidential and closed to persons not directly related to the case. The results of University Student Conduct System formal resolution process are held confidential in accordance with applicable law. The University reserves the right to correct any misinformation with regard to University Student Conduct System action that may be circulated in the media when the well-being of the community so requires. The University will publish data related to the activities of the University Student Conduct System on a periodic basis consistent with constraints and requirements imposed by law.

10. The process of investigation and the Board's decision will be concluded within 60 days of the original complaint, pending special circumstances. If circumstances arise that delays either the investigation or the Board's determination of an outcome, both parties will be sent written notification of the delay and its cause. Each party will receive written notification of the decision of the University Conduct Board including a finding of responsibility and sanctions.

11. In all cases of sexual violence/harassment violations or gender related violence/harassment, decisions of the respective boards are effective immediately. Both the complainant and the respondent have the right to appeal the decision of the University Conduct Board. Information on the appeals process can be found in section 12 of the Student Conduct System Handbook.

For additional information regarding the University Student Conduct System, please review the University Student Conduct System Handbook which can be found online at studentconduct.syr.edu

Parental Notification

Except in unusual circumstances as determined in its sole discretion, and consistent with federal law, Syracuse University will seek to notify parents or guardians of conduct issues involving dependent students as follows:

- a. In an emergency;
- b. After final adjudication and finding of responsibility in all alcohol and drug-related offenses; and,
- c. After final adjudication and finding of responsibility in all offenses resulting in disciplinary probation, suspension or expulsion.

A student is not a dependent student if the student:

- is or will be 24 years old during the academic year;
- is enrolled in a graduate or professional program;
- is married;
- is a veteran of the U.S. Armed Forces;
- is an international student.

The University will not notify parents of complainants or victims of the outcome of any investigation, formal complaint, or the conduct process in accordance with FERPA.

Disciplinary records maintained are retained for seven (7) years from the date of the most recent incident in the student's file or until one (1) year after the student has graduated from the University, whichever is longer. Records of students who were suspended, expelled, prohibited from future enrollment or otherwise withdrawn for disciplinary reasons are retained indefinitely.

Transcript Notations

Students found to be responsible for violence related violations as defined by the Clery Act who are suspended or expelled will have their University transcripts issued with the following notations:

- In cases of suspension—"suspended after a finding of responsibility for a code of conduct violation".
- In cases of expulsion—"expelled after a finding of responsibility for code of conduct violation".
- If a student who has alleged to have been involved in an incident involving violence related violations withdraws from the University with an investigation or conduct case pending, the following notation will be listed on their University transcript: "withdrew with conduct charges pending."

Students who have been suspended for a violence related violation who would like to appeal the suspension notation on their transcript may do so one year after the conclusion of the suspension. Notations for expulsion will not be removed.

Students who choose to appeal a suspension notation on their transcript may do so via the following process:

- a. Appeals submitted prior to one year after the completion of the suspension will not be considered.
- b. In order to appeal a suspension notation on a University transcript, all readmission or other sanction requirements must be completed at the time of the request.
- c. If a student has been determined to be responsible for any additional conduct related incidents which took place after the start of the suspension, appeals will not be considered.

d. Submissions for a request for removal of a suspension notation should be submitted in writing to the Office of Student Rights and Responsibilities at, 310 Steele Hall, Syracuse, NY 13210 or via email at studentconduct@syr.edu. Submissions should contain the following:

- A brief description of the incident and the sanction imposed.
- Your reflections on your actions, how they have impacted you as well as others.
- An account of your decision-making and behavior since the incident.
- An explanation as to why you believe that the transcript notation indicating suspension should be removed from your transcript.
- Any supporting material (letters of recommendation, verification of community service and/or employment)

e. All requests will be responded to in writing. If your request is granted, the notation of suspension will be changed to “Administrative Withdrawal—University Initiated.”

Bill of Rights

All students have the right to:

1. Make a report to local law enforcement and/or state police.
2. Have disclosures of domestic violence, dating violence, stalking and sexual assault treated seriously.
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and criminal justice process free from pressure by the institution.
4. Participate in a process that is fair, impartial, and provides adequate notice and meaningful opportunity to be heard.
5. Be treated with dignity and to receive from the institution courteous, fair and respectful health care and counseling services where available.
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations.
7. Describe the incident to as few institution representatives a practicable and not be required to unnecessarily repeat a description of the incident.
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent and/or their friends, family and acquaintances within the jurisdiction of the institution.
9. Access to at least one level of appeal of a determination.

10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process.

11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

If you have recently experienced a sexual assault:

- Call the SRVR Team at 315.443.4743.
- Call the SRVR Team at 315.443.4715 to discuss options and support services available.
- Try to preserve all physical evidence. Do not bathe, shower, drink, brush your teeth, wash your hands or change your clothes until you have a medical examination in the event there is any possibility that you want to make a police report now or sometime in the future. If you remove your clothing, place it in a paper bag to prevent deterioration of evidence.
- Seek medical attention as soon as possible after a sexual assault even if you choose not to have an examination to collect evidence. A healthcare professional can assess for any possible injuries, provide emergency contraception (if needed) and screen for sexually transmitted infections.
- This examination needs to be done at an area emergency department. There are specially trained nurses known as Sexual Assault Nurse Examiners (SANE) at all Syracuse emergency departments.
- Testing and treatment for sexually transmitted infections, HIV, and pregnancy are available by appointment at Syracuse University Health Services at 315.443.9005.
- Please know that you can still choose to have an exam done even if you have changed clothing, bathed, showered or douched. If you changed, take the clothing worn at the time of the assault to the hospital in a paper bag, as plastic may destroy important evidence.
- If you suspect that you might have been given a drug, testing is available through Health Services during their office hours, however, this testing cannot be used as evidence for criminal prosecution. If you are considering prosecution, a urine sample should be collected through a hospital emergency department.
- If you would like to report the incident for criminal prosecution, contact the Department of Public Safety at 315.443.2224 or 711 from campus phones, #SU from cellular phones, or the Syracuse Police Department at 315.435.3016. The SRVR Team is available to discuss your reporting options.

- If you would like to report the incident as a complaint for resolution through the student conduct system contact the University's Title IX Coordinator at 315.443.0211. The SRVR Team is available to discuss your reporting options.
- If you are concerned about payment of medical expenses related to examination after a sexual assault, the Counseling Center can inform you of available financial assistance.
- The aftermath of sexual violence can be emotional and difficult. As a survivor, self-care is a key part of the healing process. Listen to your emotions, intuition, and instincts, and do not feel pressured to do anything beyond your level of comfort. Many survivors of sexual assault find it helpful to talk with a counselor while coping with the effects of trauma following an assault.

Syracuse University Policy on Sexual Misconduct, Sexual Harassment, Relationship Violence, and Stalking

Syracuse University is committed to the maintenance of an environment which is supportive of its primary educational mission and free from all exploitation and intimidation. The University does not tolerate rape, sexual assault, domestic or dating violence, stalking, sexual coercion and non-contact sexual abuse such as voyeurism, and sexual exploitation or other forms of sexual violence or non-consensual sexual activity. Prohibited behaviors include:

- 1. Harassment**—intentional, unwanted and unwelcome words or conduct directed at a specific person that alarms, threatens or causes fear for that person.

Sexual harassment is a form of sexual discrimination. It is unwelcome behavior of a sexual nature that relates to the gender, sex or sexual identity of an individual. It has the purpose or effect of creating an intimidating or hostile environment. Sexual harassment includes a full range of coercive and unwelcome behaviors, such as unwelcome sexual advances, request for sexual favors, and other verbal, visual or physical conduct of a sexual nature, including rape and other forms of sexual assault, sexual coercion and non-contact sexual abuse such as voyeurism and sexual exploitation.

- 2. Sexual assault**—any actual or attempted nonconsensual sexual activity including, but not limited to: sexual intercourse, or sexual touching, committed with coercion, threat, or intimidation (actual or implied) with or without physical force; exhibitionism or sexual language of a threatening nature by a person(s) known or unknown to the victim. Forcible touching, a form of sexual assault, which is defined as intentionally, and for no legitimate purpose, forcibly touching the sexual or other intimate parts of another person for the purpose of degrading or abusing such person or for gratifying sexual desires.

Intoxication of the accused cannot be used as a defense to an alleged incident involving sexual assault.

- 3. Rape**—sexual intercourse without consent, committed with coercion, threat, or intimidation (actual or implied), with or without physical force by a person(s) known or unknown to the victim. Sexual intercourse can involve anal, oral, or vaginal penetration, no matter how slight.
- 4. Stalking**—intentionally, and for no legitimate purpose, engaging in a course of conduct directed at a person knowing (or should reasonably know) that such conduct is likely to cause reasonable fear of material harm or does cause substantial harm to the other person or that person's family or another party of their acquaintance. This includes cyberstalking—using technology to stalk another person.
- 5. Relationship or dating violence and domestic violence**—patterns of behavior in which an individual uses physical violence, coercion, threats, intimidation, isolation or other forms of emotional, sexual, verbal and/or economic abuse to control their current or former intimate partner.
- 6. It is against University policy retaliate against a person**, either directly or via a third party, for making a complaint of sexual violence or any kind of harassment or discrimination. Any retaliation should be promptly reported to the Title IX Coordinator at 315.443.0211.

CONSENT

Affirmative consent is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop.

Sexual Assault, Sexual Harassment, Stalking, and Relationship Violence Definitions

HARASSMENT

According to New York State law, harassment is intentional and repeated unwanted and unwelcome words or conduct directed at a specific person that annoys, alarms, threatens, or causes fear for that person.

SEXUAL HARASSMENT

Sexual harassment is prohibited. It is a form of sexual discrimination. It is unwelcome behavior of a sexual nature that relates to the gender, sex or sexual identity of an individual. Even without creating an intimidating or hostile environment for study, work, or social living, unwelcome behavior of a sexual nature is a violation of the University's Code of Ethical Conduct. If it has the purpose or effect of creating an intimidating or hostile environment, it also may create legal liability. Note that welcome is a different standard than consent. In some circumstances, there may be consent (for criminal law purposes) but the conduct is unwelcome. Unwelcome sexual conduct is against University policy and can result in charges under the Code of Student Conduct.

Sexual harassment includes a full range of coercive and unwelcome behaviors, such as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, including rape and other forms of sexual assault, sexual coercion and non-contact sexual abuse such as voyeurism and sexual exploitation, made by someone in the work or educational setting.

Sexual harassment is conduct that focuses on a person's sexuality and/or gender, rather than on that person's contributions to the University. Sexual harassment is often classified as either "quid pro quo" or "hostile work environment." "Quid pro quo" sexual harassment occurs when submission to such conduct is made a term or condition of employment, favorable grades, advancement, tenure, promotion or other benefits. "Hostile work environment" describes conduct that has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile or offensive work or learning environment.

SEXUAL VIOLENCE

This is a broad term that encompasses any attempted or completed act of violence, either physical or psychological, carried out through sexual means or by targeting sexuality, including unwanted sexual comments or advances, verbal harassment, sexual assault or abuse, sexual exploitation, and rape. The perpetrator of sexual violence may be a stranger, friend, family member, acquaintance, or intimate partner.

SEXUAL ASSAULT

This term includes any nonconsensual physical contact of a sexual nature perpetrated against another person, including touching the sexual or other intimate parts of another person without their consent or forcing an individual to touch the genitals of another person. In New York State, the crime is called forcible touching, which is defined as intentionally, and for no legitimate purpose, forcibly touching the sexual or other intimate parts of another person for the purpose of degrading or abusing such person or for gratifying sexual desires.

RAPE

This term refers to sexual intercourse without consent. The legal definition of rape varies from state to state. In New York State, rape is defined as penetration of a vagina by a penis without consent, no matter how slight the penetration. In some states, penetration of the mouth, anus and/or vagina by other body parts and/or objects is also considered rape. Intoxication of the perpetrator cannot be used as a defense to a charge of rape. The FBI definition of rape is "Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim."

RELATIONSHIP VIOLENCE

The term "relationship violence" in New York refers to a pattern of behavior in which an individual uses physical violence, coercion, threats, intimidation, isolation or other forms of emotional, sexual, verbal and/or economic abuse to maintain power over or control their current or former intimate partner. Relationship violence occurs within current and former dating relationships and marriages. Relationship violence can exist within any relationship, regardless of the partners' sexual orientation, sex or gender identity.

Examples of relationship violence can include the following behaviors:

Verbal abuse

- Name calling
- Embarrassing a partner in public or in front of friends
- Continually criticizing the other person
- Threats against one's safety or the safety of loved ones

Emotional abuse

- Isolating an individual from friends and family
- Withholding affection and approval as a form of punishment
- Making all of the decisions in a relationship
- Ridiculing the beliefs, values, and appearance of the other person
- Controlling how the other person spends their time, dresses, and where they go
- Demonstrating extreme jealousy
- Blaming the other person for everything and avoiding responsibility

Physical abuse

- Preventing the other person from leaving
- Throwing or breaking objects
- Pushing or shoving the other person
- Scratching, hitting, or kicking the other person
- Threatening to or using weapons

Sexual abuse

- Calling the other person derogatory sexual names
- Unwanted or unwelcome sexual touching
- Pressuring the other person to engage in sexual acts

STALKING

Stalking, which is defined under New York State law as intentionally, and for no legitimate purpose, engaging in a course of conduct directed at a person knowing (or should reasonably know) that such conduct is likely to cause reasonable fear of material harm or does cause substantial harm to the other person or that person's family or another party of their acquaintance. This includes cyberstalking—using technology to stalk another person.

Stalking typically involves a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear. A stalker can be someone the targeted person knows well or not at all. Stalking is usually unpredictable and can be dangerous. Stalking can include repeated, unwanted, intrusive and/or frightening communications by phone, text, social media, mail or e-mail; following or waiting for a person at their home, school, work or other locations; and other actions that control, track or frighten the targeted individual.

More to know about stalking

- Stalking may involve behaviors such as repeated unwanted contacts (phone calls, emails, or text messages), monitoring of movements, or regularly following an individual across campus.
- A stalker may be someone the victim knows well or not at all.
- About 75 percent of cases of stalking involve men stalking women, however stalking occurs between people of all sexes, gender identities and sexual orientations.
- Stalking behavior patterns are similar to those seen in many relationship violence situations. The pattern is usually triggered when the stalker's advances toward a victim are rejected and the stalker is unwilling or unable to accept that rejection.
- Targeted individuals are not to blame for a stalker's behavior.

CYBERBULLYING

Cyberbullying refers to the use of the Internet, e-mail and/or other forms of online and electronic communications to harass, threaten or embarrass someone. Some examples of cyberbullying include repeatedly sending inappropriate or hurtful text messages or e-mails, spreading rumors by e-mail or on social networking sites, or posting embarrassing pictures or videos on various websites.

BULLYING

Bullying is an act of aggressive behavior that intentionally seeks to hurt another person, physically or mentally. Bullying is characterized by an individual behaving in a certain way to gain power over another person and involves an imbalance of power and/or strength.

Risk Reduction

Individuals who commit acts of sexual violence are responsible for their actions. While it may not be possible to prevent a sexual assault, **there are some steps that can be taken that might reduce the risk.**

- Respect yourself and others.
- Trust your instincts. If a place or person makes you feel uncomfortable, remove yourself from the situation.
- Be aware of nonverbal clues that can alert you to a potential aggressor, such as someone who is sitting or standing too close, staring at you, or pressuring you to be alone together.
- Learn about the Department of Public Safety (DPS) programs such as Shuttle U Home and walking escorts. Program the DPS phone number (315.443.2224) into your phone.
- Talk with your friends about watching out for one another as much as possible. Let your friends know where you are going and who you are with. Get your friend to a safe place if you suspect your friend might have been drugged or is intoxicated.
- Know how alcohol affects you and your judgment. If you choose to drink alcohol, get your own drink and watch it being poured. Don't share drinks, drink from a large open container such as a punch bowl, or drink anything that tastes unusual.
- Consider carefully what you post online about yourself. It is not advised to post your phone number, address, class schedule, or where you are.

Primary Prevention

Becoming a Community of Empowered Bystanders

Research has shown that one of the most powerful approaches to preventing sexual and relationship violence is to encourage people to become “empowered bystanders.” The EMPOWERED BYSTANDER approach to violence prevention recognizes that everyone has a role to play in preventing sexual and relationship violence. Rather than focusing prevention efforts solely on potential perpetrators or victims/survivors, Syracuse University encourages anyone who witnesses potentially harmful behavior to take some sort of action that has the potential to lead to a positive outcome, such as speaking up about abusive behavior and supporting individuals who have been abused.

Many people mistakenly believe that they have only two options in instances of actual or potential violence—intervene physically and possibly expose themselves to personal harm, or do nothing. There are multiple ways to respond safely to any situation.

An individual who has carefully considered options for action prior to witnessing a potentially harmful situation is more likely to respond to violence or abuse by others rather than remain passive and silent.

Steps to becoming an Empowered Bystander:

To be an empowered bystander, one must trust one’s feelings of discomfort and then think about how best to respond in a particular situation.

1. Empowered Bystanders will interpret a situation as one of concern and choose an action based on their evaluation about whether the situation is an emergency or one in which someone needs assistance.
2. Empowered Bystanders assume responsibility for giving help. (Keep in mind that research studies show that a bystander is less likely to help if there are other bystanders present.) Therefore, if you notice something happening that you know is not right, step up, even if there are other people in the room.
3. It is important to choose a form of safe intervention that fits the needs of the moment and one’s own unique personality. Intervention can be either indirect or direct, can take place at the moment of awareness or at another time.

Tips for Intervening

The purpose of the action is to help the person leave a potentially harmful situation, confront a behavior, diffuse a situation, or call for other support/security.

In a situation potentially involving sexual assault, harassment, relationship violence, or stalking:

- Say something to a friend
- Interrupt the situation
- Distract from the situation

- Avoid using violence
- Recruit help if necessary
- Keep yourself safe
- If things get out of hand or become too serious, contact the Department of Public Safety (DPS) or the police

How to File a Title IX Complaint With the Office for Civil Rights

Anyone who believes that an education institution that receives federal financial assistance has discriminated against someone on the basis of race, color, national origin, sex, disability or age can file a complaint with the Office for Civil Rights. The person or organization filing the complaint need not be a victim of the alleged discrimination but may complain on behalf of another person or group.

Timeliness

A complaint must be filed within 180 calendar days of the date of the alleged discrimination, unless the time for filing is extended by OCR for good cause shown under certain circumstances.

Institutional Grievance Procedures

Prior to filing a complaint with OCR against an institution, a potential complainant may want to find out about the institution’s grievance process and use that process to have the complaint resolved. However, a complainant is not required by law to use the institutional grievance process before filing a complaint with OCR.

If a complainant uses an institutional grievance process and also chooses to file the complaint with OCR, the complaint must be filed with OCR within 60 days after completion of the institutional grievance process.

How to File an Online Complaint

Complainants wishing to file a complaint may do so by:

Mail or Fax: Complainants may mail or send by facsimile a letter or use the OCR’s Discrimination Complaint Form available from one of OCR’s enforcement. In your correspondence, please include:

- The complainant’s name, address and, if possible (although not required), a telephone number where the complainant may be reached during business hours;
- Information about the person(s) or class of persons injured by the alleged discriminatory act(s) (names of the injured person(s) are not required);
- The name and location of the institution that committed the alleged discriminatory act(s); and
- A description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination (race, color, national origin, sex, disability, age or the Boy Scouts of America Equal Access Act).

E-mail: Complainants may file a complaint, using the following e-mail address: ocr@ed.gov. Use the same procedures as above.

Online: Complainants may file a complaint with OCR using OCR's electronic complaint form at the following website: <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>.

Note: A recipient of federal financial assistance may not retaliate against any person who has made a complaint, testified, assisted or participated in any manner in an investigation or proceeding under the laws listed on the first page of this brochure. If you believe that you have been retaliated against for any of these reasons, you may file a complaint with OCR. The OCR office for New York is located at:

New York Office

Office for Civil Rights
U.S. Department of Education
32 Old Slip, 26th Floor
New York, NY 10005-2500
Telephone: 646.428.3900
FAX: 646.428.3843; TDD: 800.877.8339
Email: OCR.NewYork@ed.gov

The OCR National Headquarters is located at:

U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: 800.421.3481
FAX: 202.453.6012; TDD: 800.877.8339
Email: OCR@ed.gov

(Source: <http://www2.ed.gov/about/offices/list/ocr/index.html>)

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